

piece of red metal on a street corner is a sign. The flag is a symbol. Vandalizing a No Parking sign is a misdemeanor, but burning the flag is a hate crime, because burning the flag is an expression of contempt for the moral unity of the American people that the flag symbolically makes present to us every day.

Why do we need this amendment now? Is there a rash of flag burning going on? Certainly not. But we live in a time of growing disunity. Our society is pulled apart by the powerful centrifugal force of racism, ethnicity, language, culture, gender, and religion. Diversity can be a source of strength, but disunity can be a source of peril. If you stop and think, the world is torn by religious and ethnic divisions that make war and killing and death and terror the norm in so many countries: Ireland, the Middle East, the Balkans, Rwanda. Look around the globe and see what hate can do to drive fellow human beings apart.

This legislation makes a statement that needs to be made, that our flag is the transcendent symbol of all that America stands for and aspires to be and hence deserves special protection of the law.

We Americans share a moral unity expressed so profoundly in our country's birth certificate, the Declaration of Independence. "We hold these truths to be self-evident," Jefferson wrote. The truth that all are equal before the law. We share that, across race, gender, religion. The truth that the right to life and liberty is inalienable and inviolable. The truth that government is intended to facilitate and not impede the people's pursuit of happiness.

Adherence to these truths is the foundation of civil society, of democratic culture in America.

And what is the symbol of our moral unity amidst our racial, ethnic, and religious diversity? Old Glory, the stars and stripes.

In seeking to provide constitutional protection for the flag, we are seeking to protect the moral unity that makes American democracy possible. We have spent the better part of the last 30 years telling each other, shouting to each other, all the things that divide us. It is time to start talking about the things that unite us, that make us all, together, Americans. The flag is the embodiment of the unity of the American people, a unity built on those "self-evident" truths on which the American experiment rests, the truths which are our Nation's claim to be a just society.

Let us take a step toward national reconciliation, and toward constitutional sanity, by adopting this amendment. The flag is our connection to the past and proclaims our hopes and aspirations for the future.

Too many Americans have marched behind it, too many have come home in a box covered by the flag, too many parents and widows have clutched the flag to their hearts as the last remem-

brance of their beloved to treat that flag with anything less than reverence and respect.

One hundred eighty-seven years ago during the British bombardment of Baltimore, Francis Scott Key looked toward Fort McHenry in the early dawn and asked his famous question. To his joy he saw our flag was still there. And how surprised he would be to learn our flag is even planted on the Moon.

But, most especially, it is planted in the hearts of every loyal American. Four Supreme Court justices agreed with us. A ton of professors agree with us. This is not a settled issue. Five to four Supreme Court justices come down on the side of the flag.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Speaker, I do not think what we are doing here today is a contest between who is the most patriotic. I do not think that is it at all. Nobody here in the debate is unpatriotic. But I think the debate is possibly defining patriotism.

But I am concerned that we are going to do something here today that Castro did in Cuba for 40 years. There is a prohibition against flag burning in Cuba. And one of the very first things that Red China did when it took over Hong Kong was to pass an amendment similar to this, to make sure there is no desecration of the Red Chinese flag. That is some of the company that we are keeping if we pass this amendment.

A gentleman earlier on said that he fears more of what is happening from within our country than from without. I agree with that. But I also come down on the side that is saying that the threat of this amendment is a threat to me and, therefore, we should not be so anxious to do this. I do not think you can force patriotism.

I also agree with the former speaker who talked about responsibility. I agree it is about responsibility. But it also has something to do with rights. You cannot reject rights and say it is all responsibility and therefore we have to write another law. Responsibility implies a voluntary approach. You cannot achieve patriotism by authoritarianism, and that is what we are talking about here.

I think we all agree with respect to the flag and respect for our country. It is all in how we intend to do this. And also this idea about veterans, because you are a veteran that you have more wisdom. I do not think so. I am a veteran, but I disagree with other veterans. Keith Krueger, who was a past national commander of the American Legion had this to say:

"Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs, and ideals expressed in

the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a 'golden calf.' A patriot cannot be created by legislation."

He was the national commander of the American Legion. So I am not less patriotic because I take this different position.

Another Member earlier mentioned that this could possibly be a property rights issue. I think it has something to do with the first amendment and freedom of expression. That certainly is important, but I think property rights are very important here. If you have your own flag and what you do with it, there should be some recognition of that. But the retort to that is, oh, no, the flag belongs to the country. The flag belongs to everybody. Not really. If you say that, you are a collectivist. That means you believe everybody owns everything. Who would manufacture the flags? Who would buy the flags? Who would take care of them? So there is an ownership. If the Federal Government owns a flag and you are on Federal property, even, without this amendment, you do not have the right to go and burn that flag. If you are causing civil disturbances, that is handled another way. But this whole idea that there could be a collective ownership of the flag, I think, is erroneous.

The first amendment, we must remember, is not there to protect non-controversial speech. It is to do exactly the opposite. So, therefore, if you are looking for controversy protection it is found in the first amendment. But let me just look at the words of the amendment. Congress, more power to the Congress. Congress will get power, not the States. That is the opposite of everything we believe in or at least profess to believe in on this side of the aisle.

To prohibit. How do you prohibit something? You would need an army on every street corner in the country. You cannot possibly prevent flag burning. You can punish it but you cannot prohibit it. That word needs to be changed eventually if you ever think you are going to get this amendment passed.

Physical desecration. Physical, what does it mean? If one sits on it? Do you arrest them and put them in jail? Desecration is a word that was used for religious symbols. In other words, you are either going to lower the religious symbols to the state or you are going to uphold the state symbol to that of religion. So, therefore, the whole word of desecration is a word that was taken from religious symbols, not state symbols. Maybe it harks back to the time when the state and the church was one and the same.

I urge a "no" vote on this amendment.

Mr. Speaker, loyalty and conviction are admirable traits, but when misplaced both can lead to serious problems.

More than a decade ago, an obnoxious man in Dallas decided to perform an ugly act: the